

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:21-cv-00069-MOC-WCM

HANNAH R. GREEN,	)	
	)	
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
MOOG MUSIC, INC.	)	
<i>a North Carolina Corporation</i>	)	
	)	
Defendant.	)	
	)	

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This matter is before the Court on Defendant's Motion to Dismiss Complaint (the "Motion to Dismiss," Doc. 8) and Plaintiff's Motion for Leave to Amend Complaint (the "Motion for Leave," Doc. 11).

On April 28, 2021, Defendant filed the Motion to Dismiss. Doc. 8.

On May 25, 2021, Plaintiff filed the Motion for Leave. Plaintiff represents that Defendant does not object to the Motion for Leave. Doc. 11 at 1. The same day, Plaintiff also filed an Amended Complaint. Doc. 14.

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party may amend its pleading only with the opposing party's written consent or the court's leave. Leave is to be given freely when justice so requires. Here, considering Defendant's consent to the filing of the Amended Complaint, the undersigned will grant the Motion for Leave.

“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.” Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001); see also Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Ledford v. Eastern Band of Cherokee Indians, No. 1:20-CV-005-MR-DCK, 2020 WL 1042235 at 1 (W.D.N.C. March 3, 2020) (“It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot”).

As the Motion for Leave is being allowed, and Plaintiff’s Amended Complaint has been filed, the Motion to Dismiss (Doc. 8) will be denied as moot. This denial is without prejudice to Defendant’s right to challenge the Amended Complaint, if appropriate.

**IT IS THEREFORE ORDERED** that:

1. Plaintiff's Motion for Leave to Amend Complaint (Doc. 11) is **GRANTED**, and the Amended Complaint (Doc. 14) is accepted.
2. Defendant's Motion to Dismiss (Doc. 8) is **DENIED AS MOOT**.

Signed: May 26, 2021

  
W. Carleton Metcalf  
United States Magistrate Judge

